

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a dedicated utility easement.

WHEREAS, a petition to vacate a dedicated utility
easement within the City of Fort Wayne (as more specifically
described below) was duly filed with the City Planning
Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-
4-12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
dedicated utility easement within the City of Fort Wayne,
more specifically described as follows, to-wit:

The first North/South easement West of Van Buren
Street, between Main Street and the first
East/West easement South of Main Street, in the
City of Fort Wayne, Allen County, Indiana, more
particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #1 in Williams
and Murphy's Addition to the City of Fort Wayne,
Indiana; thence Southeasterly, on and along the West
line of Lot #1, 2, 3, 4 and 5 in said Addition, a
distance of 150.03 feet to the Southwest corner of said
Lot #5; thence Southwesterly, on and along the Westerly
projection of the South line of said Lot #5, a distance
of 10.0 feet to the Southeast corner of Lot #39 in
Rockhills First Amended Addition to the City of Fort
Wayne, Indiana; thence Northwesterly, on and along the
East line of said Lot #39, a distance of 150.03 feet to
the Northeast corner of said Lot #39, being a point on
the South right-of-way line of Main Street; thence

#394
Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1989,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Henry, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on 6-13-89, the 12 o'clock PM, E.S.T.

DATE: 6-13-89
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>9</u>				
BRADBURY	<u>✓</u>				
BURNS	<u>✓</u>				
<u>Edmonds</u>	<u>✓</u>				
GIAQUINTA	<u>✓</u>				
HENRY	<u>✓</u>				
LONG	<u>✓</u>				
REDD	<u>✓</u>				
SCHMIDT	<u>✓</u>				
STIER					
TALARICO	<u>✓</u>				

DATE: 8-1-89
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 15-19-89 on the 1st day of August, 1989.

ATTEST: Sandra E. Kennedy SEAL Charles S. Reed
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 2nd day of August, 1989, at the hour of 11:00 o'clock PM, E.S.T.
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of August, 1989, at the hour of 2:30 o'clock PM, E.S.T.
Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 7219

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., May 1st 19 89

RECEIVED FROM ARCHONIC'S \$ 100.00

THE SUM OF One Hundred and no/100's ¹⁰⁰ DOLLARS

ON ACCOUNT OF Vac Petition - N-S servant w/ Van Buren
St. Joe Med. Center

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

W. S. [Signature]
AUTHORIZED SIGNATURE

PETITION TO VACATE EASEMENT

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following easement with the City of Fort Wayne, Indiana, and hereby described as follows:

The first North-South easement West of Van Buren Street, between Main Street and the first East-West easement South of Main Street, in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the Northwest corner of Lot #1 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southeasterly, on and along the West line of Lot #1, 2, 3, 4 and 5 in said Addition, a distance of 150.03 feet to the Southwest corner of said Lot #5; thence Southwesterly, on and along the Westerly projection of the South line of said Lot #5, a distance of 10.0 feet to the Southeast corner of Lot #39 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northwesterly, on and along the East line of said Lot #39, a distance of 150.03 feet to the Northeast corner of said Lot #39, being a point on the South right-of-way line of Main Street; thence Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

In support thereof, your petitioners would represent as follows:

1. That we are the only owners of the real estate bordering on both sides of the easement.
2. That the easement is not necessary for utility purposes.
3. That no other person, firm, or corporation is interested in or affected by the requested easement.
4. That the maintenance of said easement is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, we pray that the above described easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 1ST day of MAY, 1989

James A. Wetner
Petitioner's Signature
St. Joseph Medical Center
700 Broadway
Fort Wayne, IN 46802

Carl L. Bradley
Agent's Name & Address
Carl L. Bradley, Archonics
701 South Clinton Street
Fort Wayne, IN 46802
219/423-9521

RESOLUTION 78-81-2

WHEREAS, ST. JOSEPH MEDICAL CENTER has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The first North/South easement West of Van Buren Street, between Main Street and the first East/West easement South of Main Street, in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #1 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southeasterly, on and along the West line of Lot #1, 2, 3, 4 and 5 in said Addition, a distance of 150.03 feet to the Southwest corner of said Lot #5; thence Southwesterly, on and along the Westerly projection of the South line of said Lot #5, a distance of 10.0 feet to the Southeast corner of Lot #39 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northwesterly, on and along the East line of said Lot #39, a distance of 150.03 feet to the Northeast corner of said Lot #39, being a point on the South right-of-way line of Main Street; thence Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

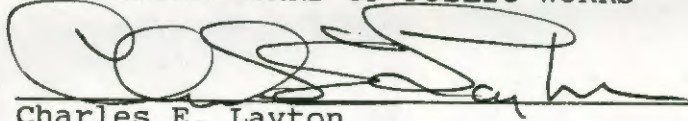
COUNTY OF ALLEN)

I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held

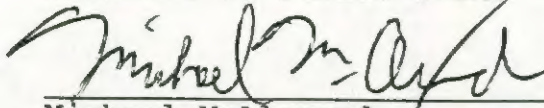
June 28, 1989 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 28th DAY OF June 1982

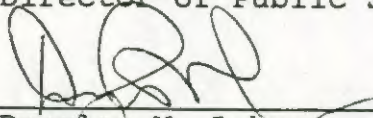
FORT WAYNE BOARD OF PUBLIC WORKS



Charles E. Layton
Director of Public Works



Michael McAlexander
Director of Public Safety



Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, ST. JOSEPH MEDICAL CENTER has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement in Fort Wayne, Allen County, to-wit:

The first North/South easement West of Van Buren Street, between Main Street and the first East/West easement South of Main Street, in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #1 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southeasterly, on and along the West line of Lot #1, 2, 3, 4 and 5 in said Addition, a distance of 150.03 feet to the Southwest corner of said Lot #5; thence Southwesterly, on and along the Westerly projection of the South line of said Lot #5, a distance of 10.0 feet to the Southeast corner of Lot #39 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northwesterly, on and along the East line of said Lot #39, a distance of 150.03 feet to the Northeast corner of said Lot #39, being a point on the South right-of-way line of Main Street; thence Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 19, 1989 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held June 26, 1989, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 29 DAY OF June 1989

FORT WAYNE CITY PLAN COMMISSION



Robert Hutner
Secretary

FACT SHEET

G-89-06-19

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Easement Vacation Ordinance

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

1st N/S easement West of VanBuren Street,
between Main & 1st E/W easement South of
Main Street.

Reason for Project

Easement is no longer needed.

Discussion (Including relationship to other Council actions)

19 June 1989 - Public Hearing

Yvonne Stam stated that she would like to go on record that as a member of the board of St Joseph Hospital she would not be participating in the discussion.

Carl Bradley, with Archonics Architects, appeared before the Commission representing St Joseph Medical Center. Mr. Bradley stated that in September of 1987 St Joseph Medical Center petitioned successfully to vacate two alleys in the block bounded by Berry, Main, Jackson and Van Buren Streets. He stated that at that time there were utilities in both alleys, but since that time the overhead power lines and telephone lines in the north/south alley have been removed and the purpose for the easement no longer exists.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

St Joseph Medical Center
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**

☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

26 June 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the five (5) members present all voted in favor of the motion. Motion carried.

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 1 May 1989

Projected Completion or Occupancy

Date 29 June 1989

Fact Sheet Prepared by
Patricia Biancaniello

Date 29 June 1989

Reviewed by

Date 6-29-89

Reference or Case Number

Kerry Maglio 38

#394
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE The first North-South easement West of Van Buren Street,
between Main Street and the first East-West easement South of Main Street.

9.59-06-19

EFFECT OF PASSAGE The property is presently a dedicated utility easement.

If vacated the property will revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. G-89-06-19

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~XX(RESOLUTION)~~ amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating
a dedicated utility easement

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<i>Janet G. Bradbury</i>			
<i>David C. Long</i>			
<i>Samuel J. Talarico</i>			
<i>Clitus R. Edmonds</i>			

DATED: 8-1-85.

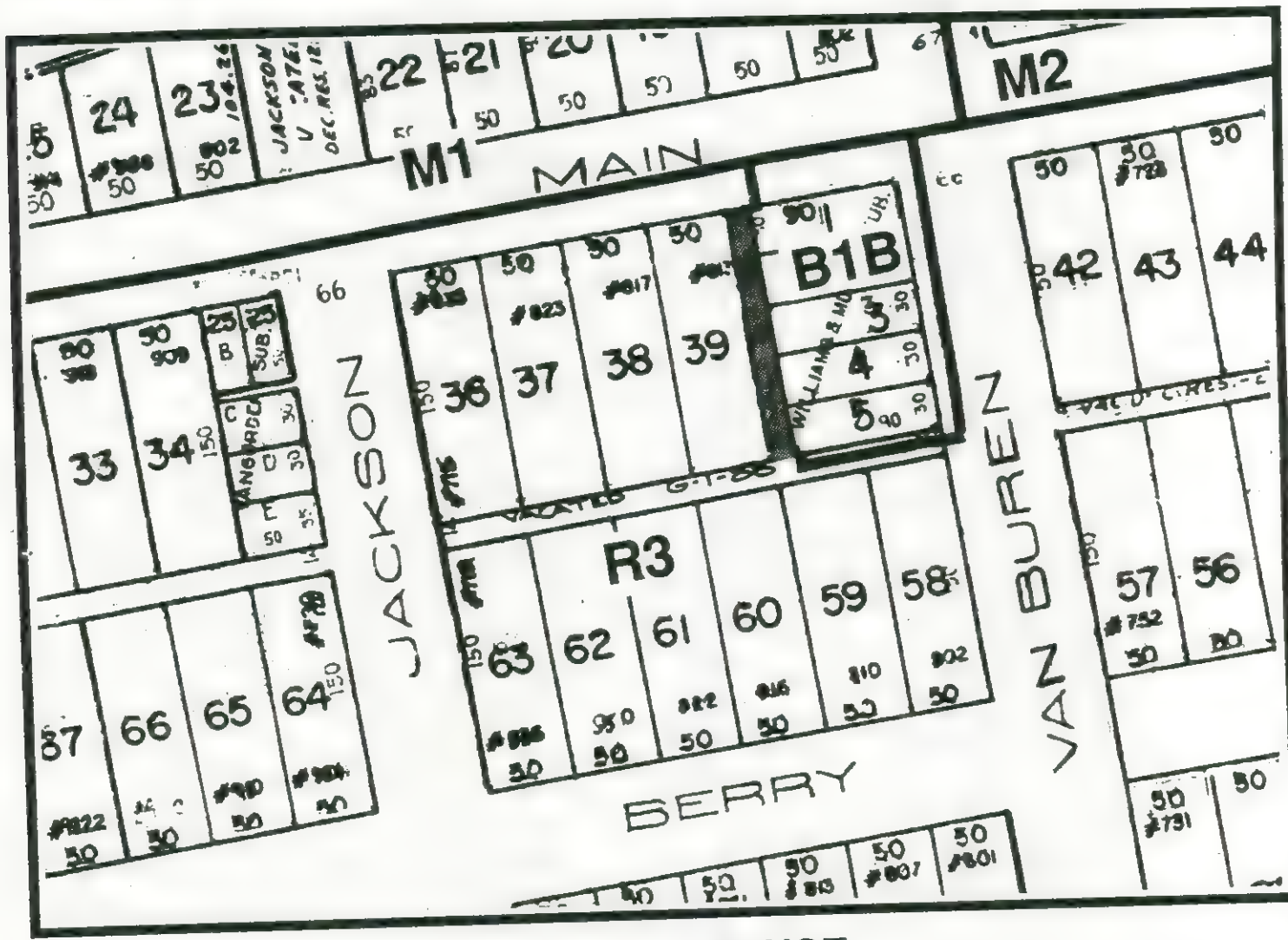
Sandra E. Kennedy
City Clerk

VACATION PETITION #394

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC EASEMENT

MAP NO. L-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

- M1 LIGHT INDUSTRY
- M2 GENERAL INDUSTRY
- R3 RESIDENTIAL
- B1B LIMITED BUSINESS "B"

LAND USE:

☐ COMMERCIAL

SCALE: 1"=100'

DATE: 5-31-89



THE CITY OF FORT WAYNE

July 12, 1989

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of July 15, 1989, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-89-06-19
Easement Vacation

Bill No. R-89-07-04 & R-89-07-05
Economic Revitalization Area"

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-89-06-19)

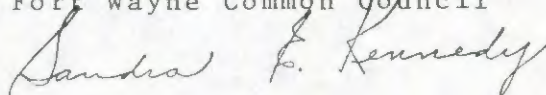
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne will conduct a public hearing on Tuesday, July 25, 1989, at 7:00 P.M., (EST) in Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana more particularly described as follows:

The first North/South easement West of Van Buren Street, between Main Street and the first East/West easement South of Main Street, in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #1 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southeasterly, on and along the West line of Lot #1, 2, 3, 4 and 5 in said Addition, a distance of 150.03 feet to the Southwest corner of said Lot #5; thence Southwesterly, on and along the Westerly projection of the South line of said Lot #5, a distance of 10.0 feet to the Southeast corner of Lot #39 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northwesterly, on and along the East line of said Lot #39, a distance of 150.03 feet to the Northeast corner of said Lot #39, being a point on the South right-of-way line of Main Street; thence Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council



Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

July 12, 1989

Carl Bradley
701 South Clinton St.
Fort Wayne, IN 46802

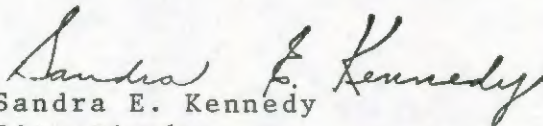
NOTICE OF PUBLIC HEARING ON BILL NO. G-89-06-19

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, July 25, 1989, at 7:00 P.M., (EST) in the Common Council Conference Room 128, One Main Street, City-County Bldg., Fort Wayne, Indiana on the following:

The first North/South easement West of
Van Buren Street, between Main Street
and the first East/West easement South
of Main Street

All interested persons are invited to appear and be heard.
Any written material may be submitted to the Common
Council prior to the hearing.

Fort Wayne Common Council


Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

To:

The Journal-Gazette

Dr.

(Governmental Unit)

P.O. Box 100

Fort Wayne, IN

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

3

28

4

35

COMPUTATION OF CHARGES

35 lines, 1 columns wide equals 35 equivalent lines
at .33 cents per line

\$ 11.55

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 13.55

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: July 15, 19 89

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time(s), the dates of publication being as follows:

7/15/89

Subscribed and sworn to before me this 15th day of July, 19 89.

Notary Public Whitley County, IN

My commission expires: March 3, 1990 SHELLEY R. LARUE

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
ILL. NO. G-89-06-19)
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All interested parties are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

To: The News-Sentinel

Dr.

(Governmental Unit)

P.O. Box 100

Allen

Fort Wayne, IN

County, Indiana

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\$ 13.55

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Nicole Allred

Date: July 15, 1989

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time (s), the dates of publication being as follows:

7/15/89

Nicole Allred

Subscribed and sworn to before me this 15th day of July, 1989.

Sherley R. Larue

Notary Public Whitley County, I
SHELLEY R. LARUE

My commission expires: March 3, 1990

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-89-06-19)
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All interested parties are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk